IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1539 OF 2003.

Joyce Ismail Gani. ... Appellant.

Versus.

Iqbal Kureshi. ... Respondent.

Shri P.G.Pravin for the Appellant.

CORAM : ABHAY S.OKA, J.

DATED : 5th May, 2006.

P.C.:

1. Heard the learned Advocate appearing for the Appellant. He states that though in the Memorandum of Appeal a ground is taken that the suit filed by the Appellant/ Plaintiff was under section 6 of the Specific Relief Act, the averments in the plaint show that the suit was not under section 6 of the said Act but the suit was for possession based on title.

2. It is not necessary to decide this controversy as the valuation of the suit for the purposes of jurisdiction and Court fee is Rs.1,32,120/-. In view of this, under the provisions of section 8 read with section 26 of the Bombay Civil Courts Act, 1869 the appeal will lie to the concerned District Court. However, this Court has already issued notice before

admission and hence the following order is passed:

3. Office is directed to transfer this Appeal to the appropriate District Court along with the pending Civil Application. The appropriate District Court will hear the appeal for admission and will pass appropriate order if the Appeal is maintainable.

Judge.